

REDACTED

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the)
Accusation Against:)
) D-4211
Arthur Winstead III, M.D.)
Certificate # C-37563)
)
Respondent.)

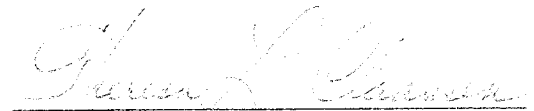
DECISION

The attached Stipulation is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on August 31, 1992.

IT IS SO ORDERED July 31, 1992.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA



THERESA CLAASSEN
Secretary-Treasurer

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 ALFREDO TERRAZAS
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102-3658
4 Telephone: (415) 703-1971

5 Attorneys for Complainant

6
7 BEFORE THE
DIVISION OF MEDICAL QUALITY
8 MEDICAL BOARD OF CALIFORNIA
STATE OF CALIFORNIA
9

10
11 In the Matter of the Accusation)
Against:) No. D-4211
12)
ARTHUR WINSTEAD, III, M.D.) STIPULATION
13 21727 McClennan) AND WAIVER
Cupertino, California 95014)
14 Physician's and Surgeon's)
Certificate No. C 37563)
15)
Respondent.)
16 _____)

17 IT IS HEREBY STIPULATED by and between Arthur Winstead,
18 III, M.D., the respondent in this matter, with the advice of his
19 attorney, George G. Walker, Esq., and Kenneth J. Wagstaff, as
20 Executive Officer of the Medical Board of California, Department
21 of Consumer Affairs, by and through his attorney, Alfredo
22 Terrazas, Deputy Attorney General, that the following matters are
23 true:

24 1. Accusation No. D-4211 is presently pending against
25 Arthur Winstead, III, M.D., (hereinafter referred to as the
26 "respondent"), physician's and surgeon's certificate number

27 //

1 C-37563, before the Medical Board of California (hereinafter
2 referred to as the "Board") and said Accusation having been filed
3 on or about April 9, 1990.

4 2. The complainant in said Accusation, Kenneth J.
5 Wagstaff, is the Executive Officer of the Board and brought said
6 Accusation in his official capacity only.

7 3. Respondent has fully discussed with George G.
8 Walker, Esq., the charges contained in the above-mentioned
9 Accusation, and in that connection, respondent has been fully
10 advised regarding his rights in this matter.

11 4. That respondent hereby freely and voluntarily
12 waives his right to a hearing on the charges and allegations
13 contained in the above-mentioned Accusation in order to enter
14 into this Stipulation and Waiver and that he further agrees to
15 waive his right to reconsideration, judicial review, and any and
16 all rights which may be accorded him by the Administrative
17 Procedure Act and the laws of the State of California, except his
18 right to petition for termination or modification of probation
19 pursuant to Government Code section 11522.

20 5. All admissions of fact and conclusions of law
21 contained in this Stipulation are made exclusively for this
22 proceeding and any future proceedings between the Board and the
23 respondent and shall not be deemed to be admissions for any
24 purpose in any other administrative, civil or criminal action,
25 forum or proceeding.

26 6. That the respondent's license history and status as
27 set forth at paragraph 2 of the Accusation are true and correct

1 and that the respondent's address of record is as set forth in
2 the caption of this Stipulation and Waiver. (A copy of
3 Accusation Number D-4211 is attached hereto as Exhibit A).

4 7. For purposes of the settlement of the action
5 pending against respondent in case No. D-4211 and to avoid a
6 lengthy administrative hearing, respondent admits that there is a
7 factual and legal basis for the imposition of discipline pursuant
8 to all of the allegations of Accusation Number D-4211.

9 8. Concerning the allegations found in paragraph 16 of
10 the accusation, respondent admits that he did allow his
11 physician's assistant to diagnosis, care for and provide
12 treatment to patients without written protocols, instructions, or
13 guidelines. Further, respondent admits that he allowed his
14 physician's assistant to prescribe medications for patients
15 without pre-authorization from himself and also allowed patient's
16 and their insurance carriers to be billed for services as if they
17 had been directly provided by himself.

18 a. As a result of the respondent's conduct, as set
19 forth in paragraph 8 (a) hereinabove, respondent was convicted,
20 after a plea of guilty, on March 13, 1992 of violating Penal Code
21 section 487.1 (Grand Theft). This occurred in the Superior
22 Court, County of San Joaquin, State of California, Case No.
23 SC050567 A in the case entitled *People v. Winstead, Arthur, III.*
24 (A copy of the Information and Order Granting Probation and Terms
25 of Probation in Case No. SC050567 A is attached hereto as Exhibit
26 B.)

27 //

1 9. Concerning the allegations in Accusation Number
2 D-4211 alleging a violation of Business and Professions Code
3 sections 2234 (a), 3527 (c), 2238, 2242 (a), 4211, 4036, 3502,
4 Health and Safety Code section 11150 and Title 16 California Code
5 of Regulations sections 1399.522 and subsection (c), 1399.540,
6 1399.541, 1399.542, 1399.545, respondent concedes that the
7 factual admissions made in paragraph 8 hereinabove constitute
8 cause for disciplinary action under Business and Professions Code
9 sections 2227, 2228, 2234 and 3527(d) in that respondent employed
10 a physician's assistant without providing him with written
11 protocols, instructions, delegations or guidelines. Further
12 during the alleged period of time, respondent allowed his
13 physician's assistant to issue prescriptions to patients without
14 pre-authorization by respondent and also was convicted of a crime
15 substantially related to the duties, functions and
16 responsibilities of a physician, to wit: Penal Code section 487.1
17 by submitting third party insurance billings for the services
18 performed by his physician's assistant as if they had been
19 performed by respondent himself.

20 10. That it is understood by all parties hereto that
21 by virtue of the foregoing recitals and solely for purposes of
22 settlement of Accusation Number D-4211:

23 IT IS HEREBY STIPULATED AND AGREED that the Medical
24 Board of California, upon its approval of the Stipulation and
25 Waiver herein set forth, may, without further notice, prepare a
26 decision and enter the following order, whereby Physician and
27 Surgeon Certificate No. C-41700, heretofore issued to respondent

1 by the Medical Board of California, is hereby revoked, PROVIDED
2 HOWEVER, that execution of this order of revocation is stayed,
3 and respondent is placed on probation for a period of five (5)
4 years, upon the following terms and conditions:

5 (A) ACTUAL SUSPENSION

6 As part of probation, respondent is suspended from the
7 practice of medicine for 120 days beginning on the effective date
8 of this decision. However, respondent will be given credit for
9 any period of incarceration after April 29, 1992 based on the
10 conviction identified in paragraph 8 hereinabove on a one-to-one
11 offsetting basis against this suspension order.

12 (B) RESTRICTION OF PRACTICE

13 During probation, respondent is prohibited from
14 employing or supervising any physician's assistants. In this
15 regard, the Division's order is that the previous Physician
16 Assistant Supervisor License No. SA 10625 issued to respondent on
17 or about May 2, 1978 is hereby revoked effective on the date when
18 this Stipulation and Order is ordered effective by the Division.

19 (C) COMMUNITY SERVICES-FREE SERVICES

20 Within 60 days of the effective date of this decision,
21 respondent shall submit to the Division for its prior approval a
22 community service program in which respondent shall provide free
23 medical services on a regular basis to a community or charitable
24 facility or agency for at least 20 hours a month for each year of
25 probation.

26 //

27 //

1 (D) ETHICS

2 Within 60 days of the effective date of this decision,
3 respondent shall arrange with the Division to successfully take
4 and complete a Division mandated course in Ethics which
5 respondent shall successfully complete during the first year of
6 probation.

7 (E) COURT ORDERED TERMS OF PROBATION

8 Respondent is hereby placed on notice that any
9 violation of the court imposed terms of probation appearing in
10 Exhibit B attached hereto, including the restitution order of
11 paying back the sum total of \$32,280.00, will be considered by
12 the Division as a violation of terms and conditions of probation
13 ordered by this Decision. Such a violation, if established, can
14 result in the lifting of the stay order contained herein and can
15 result in the reimposition of the revocation of respondent's
16 certificate as a physician and surgeon.

17 GENERAL TERMS OF PROBATION

18 (F) OBEY ALL LAWS

19 Respondent shall obey all laws of the United States,
20 State of California, and its political subdivisions, and all
21 rules and regulations and laws pertaining to the practice of
22 medicine.

23 (G) QUARTERLY REPORTS

24 Respondent shall submit quarterly declarations under
25 penalty of perjury on forms provided by the Board stating whether
26 there has been compliance with all the conditions of probation.

27 //

1 (H) **SURVEILLANCE PROGRAM**

2 Respondent shall comply with the Board's probation
3 surveillance program.

4 (I) **INTERVIEW WITH MEDICAL CONSULTANT**

5 Respondent shall appear in person for interviews with
6 the Board or its designee upon request at various intervals and
7 with reasonable notice.

8 (J) **TOLLING FOR OUT-OF-STATE PRACTICE OR RESIDENCE**

9 In the event respondent should leave California to
10 reside or to practice outside the State, respondent must notify
11 the Board in writing of the dates of departure and return.
12 Periods of residency or practice outside California will not
13 apply to the reduction of this probationary period.

14 (K) **COMPLETION OF PROBATION**

15 Upon full compliance with all the terms and conditions
16 hereof, and the expiration of five years from the effective date
17 of this decision, this stay shall become permanent, and
18 respondent's physician's and surgeon's license shall be fully
19 restored.

20 (L) **VIOLATION OF PROBATION**

21 If respondent violates probation in any respect, the
22 Division, after giving respondent notice and the opportunity to
23 be heard, may revoke probation and carry out the disciplinary
24 order that was stayed. If an accusation or petition to revoke
25 probation is filed against respondent during probation, the
26 Division shall have continuing jurisdiction until the matter is
27

1 final, and the period of probation shall be extended until the
2 matter is final.

3 11. IT IS FURTHER STIPULATED AND AGREED that the terms
4 set forth herein shall be null and void, and in no way binding
5 upon the parties hereto, unless and until accepted by the Medical
6 Board of California of the State of California.

7
8 DATED:

April 15, 1992

DANIEL E. LUNGREN
Attorney General of the
State of California

Alfredo Terrazas
ALFREDO TERRAZAS
Deputy Attorney General

Attorneys for Complainant

15 I hereby certify that I have read this Stipulation,
16 Waiver and Dismissal in its entirety, that I fully understand all
17 of same, and in witness thereof, I affix my signature this 7
18 day of May, 1992 at _____,
19 California.

Arthur Winstead, III, M.D.
Arthur Winstead, III, M.D.
Respondent

20
21
22
23
24 DATED:

4/17/92

George G. Walker, Esq.
George G. Walker, Esq.
Attorney for Respondent

26 03573160
27 SF89AD1411
04/14/92

EXHIBIT A

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 FRANK H. PACOE
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102-3658
4 Telephone: (415) 557-2546

5 Attorneys for Complainant

6
7 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
8 DIVISION OF MEDICAL QUALITY
STATE OF CALIFORNIA
9

10 In the Matter of the Accusation)
11 Against:) No. D-4211
12 ARTHUR WINSTEAD, III, M.D.) ACCUSATION
21727 McClellan)
13 Cupertino, California 95014)
License No. C37563)
14 Physician Assistant Supervisor)
License No. SA 10625)
15 Respondent.)
16

17 Complainant, KENNETH J. WAGSTAFF, charges and alleges
18 as follows:

19 1. He is the Executive Director of the Medical Board
20 of California (hereinafter referred to as the "Board") and makes
21 these charges and files this Accusation in his official capacity
22 and not otherwise.

23 2. On or about July 29, 1977, the Board issued
24 Physician and Surgeon Certificate No. C37563 to Arthur Winstead,
25 III, M.D. (hereinafter referred to as the "respondent"). That
26 certificate has continued in full force and effect at all times
27 material hereto. On or about May 2, 1978, the Board issued

1 Physician Assistant Supervisor License No. SA 10625 to Arthur
2 Winstead, III, M.D.

3 3. Business and Professions Code sections 2227, 2228
4 and 2234(a) provide, in pertinent part, that the Division of
5 Medical Quality shall take disciplinary action against any
6 licensee who is guilty of unprofessional conduct.

7 4. Business and Professions Code section 3527(c) and
8 (d) provide that:

9 "(c) The board may order the denial of an
10 application for, or the issuance subject to terms and
11 conditions of, or the suspension or revocation of, or
12 the imposition of probationary conditions upon, an
13 approval to supervise a physician's assistant, after a
14 hearing as required in Section 3528, for unprofessional
15 conduct, which includes, but is not limited to, a
16 violation of this chapter, a violation of the Medical
17 Practice Act, or a violation of the regulations adopted
18 by the committee or the board.

19 "(d) Notwithstanding subdivision (c), the Division
20 of Medical Quality of the Medical Board of California,
21 in conjunction with an action it has commenced against
22 a physician and surgeon, may, in its own discretion and
23 without the concurrence of the board, order the
24 suspension or revocation of, or the imposition of
25 probationary conditions upon, an approval to supervise
26 a physician's assistant, after a hearing as required in
27 Section 3528, for unprofessional conduct, which
includes, but is not limited to, a violation of this
chapter, a violation of the Medical Practice Act, or a
violation of the regulations adopted by the committee
or the board."

28 5. Business and Professions Code section 2238 provides
29 that:

30 "A violation of any federal statute or federal
31 regulation or any of the statutes or regulations of
32 this state regulating dangerous drugs or controlled
33 substances constitutes unprofessional conduct."

34 //

1 6. Business and Professions Code section 2242(a)
2 provides that:

3 "(a) Prescribing, dispensing, or furnishing
4 dangerous drugs as defined in Section 4211 without a
5 good faith prior examination and medical indication
6 therefor, constitutes unprofessional conduct."

7 7. Business and Professions Code section 4211 provides
8 that:

9 'Dangerous drug' means any drug unsafe for
10 self-medication, except veterinary drugs which are
11 labeled as such, and includes the following:

12 "(a) Any drug which bears the legend: 'Caution:
13 federal law prohibits dispensing without prescription
14 * * *' or words of similar import.

15 "(b) Any device which bears the statement:
16 'Caution: federal law restricts this device to sale by
17 or on the order of a _____,' or words of similar
18 import, the blank to be filled in with the designation
19 of the practitioner licensed to use or order use of the
20 device * * *.

21 "(c) Any other drug or device which by federal
22 or state law can be lawfully dispensed only on
23 prescription or furnished pursuant to Section 4240.

24 "Neither this section, nor any other provision of
25 of law, prohibits the sale of devices to clinics which
26 have been issued a clinic permit pursuant to Article
27 3.5 (commencing with Section 4063) of Chapter 9 or to
skilled nursing facilities or intermediate care
facilities licensed pursuant to Chapter 2 (commencing
with Section 1250) of Division 2 of the Health and
Safety Code."

28 8. Business and Professions Code section 4036 provides
29 that:

30 "(a) 'Prescription' means an oral order given
31 individually for the person or persons for whom
32 prescribed, directly from the prescriber to the
33 furnisher, or indirectly by means of a written order,
34 signed by the prescriber, and shall bear the name or
35 names and address of the patient or patients, the name
36 and quantity of the drug or device prescribed,
37 directions for use, and the date of issue, and either

1 rubber stamped, typed, or printed by hand or typeset
2 the name, address, and telephone number of the
3 prescriber, his or her license classification, and his
4 or her federal registry number, if a controlled
5 substance is prescribed. No person other than a
6 physician, dentist, podiatrist, or veterinarian, * * *
7 shall prescribe or write a prescription.

8 "Nothing in the amendments made to this section at
9 the 1969 Regular Session of the Legislature shall be
10 construed as expanding or limiting the right which a
11 chiropractor, while acting within the scope of his or
12 her license, may have to prescribe a device.

13 "The use of commonly used abbreviations shall not
14 invalidate an otherwise valid prescription.

15 "(b) Notwithstanding subdivision (a), a written
16 order of the prescriber for a dangerous drug, except
17 for any Schedule II controlled substance, which
18 contains at least the name and signature of the
19 prescriber, the name or names and address of the
20 patient or patients in a manner consistent with
21 paragraph (3) of subdivision (b) of Section 11164 of
22 the Health and Safety Code, the name and quantity of
23 the drug prescribed, directions for use, and the date
24 of issue may be treated as a prescription by the
25 dispensing pharmacist so long as any additional
26 information required by subdivision (a) is readily
27 retrievable in the pharmacy. In the event of a
28 conflict between the provisions of this subdivision and
29 Section 11164 of the Health and Safety Code, the
30 provisions of Section 11164 shall prevail.

31 "(c) Except as provided in Section 4036.1, an oral
32 prescription shall as soon as practicable be reduced to
33 writing by the pharmacist and shall be filled by, or
34 under the direction of, the pharmacist. The pharmacist
35 need not reduce to writing the address, telephone
36 number, license classification, federal registry number
37 of the prescriber, or the address of the patient or
38 patients if the information is readily retrievable in
39 the pharmacy.

40 9. Health and Safety Code section 11150 provides that:

41 "No person other than a physician, dentist, podiatrist,
42 or veterinarian, or pharmacist acting within the scope
43 of a project authorized under Article 18 (commencing
44 with Section 429.70) of Chapter 2 of Part 1 of Division
45 1, or registered nurse acting within the scope of a
46 project authorized under Article 18 (commencing with
47 Section 429.70) of Chapter 2 of Part 1 of Division 1,
48 or physician's assistant acting within the scope of a

1 project authorized under Article 18 (commencing with
2 Section 429.70) of Chapter 2 of Part 1 of Division 1 or
3 out-of-state prescriber pursuant to Section 4008 of the
Business and Professions Code shall write or issue a
prescription."

4 10. Business and Professions Code section 3502
5 provides in relevant part that:

6 "[N]otwithstanding any other provision of law,
7 a physician assistant may perform those medical
8 services as set forth by the regulations of the board
9 when such services are rendered under the supervision
of a licensed physician or physicians approved by the
board."

10 11. Title 16, California Code of Regulations, section
11 1399.522 and subsection (c) therein provide that:

12 "In addition to the grounds set forth in Section
13 3527, subd. (c), of the code, the board may deny, issue
14 subject to terms and conditions, suspend, revoke or
place on probation an approval to supervise a
physician's assistant for the following causes:

15 . . .

16 "(c) The physician's assistant supervised has
17 rendered medical services not authorized by these
18 regulations regardless of whether the supervising
physician has knowledge of the acts performed."

19 12. Title 16, California Code of Regulations section
20 1399.540 states that:

21 "A physician assistant may only provide those
22 medical services which he or she is competent to
23 perform and which are consistent with the physician
24 assistant's education, training, and experience, and
25 which are delegated in writing by a supervising
26 physician who is responsible for the patients cared for
27 by that physician assistant. The committee or division
or their representative may require proof or
demonstration of competence from any physician
assistant for any tasks, procedures or management he or
she is performing. A physician assistant shall consult
with a physician regarding any task, procedure or
diagnostic problem which the physician assistant

1 determines exceeds his or her level of competence or
2 shall refer such cases to a physician."

3 13. Title 16, California Code of Regulations section
4 1399.541 provides that:

5 "A physician assistant may:

6 "(a) Take an appropriate history; perform an
7 appropriate physical examination and make an assessment
8 therefrom, and record and present pertinent data in a
9 manner meaningful to the physician.

10 "(b) Perform and/or assist in the performance of
11 laboratory and screening procedures delegated by the
12 supervising physician where the procedures to be
13 performed are consistent with the physician's specialty
14 or usual and customary practice, and with the patient's
15 health and condition.

16 "(c) Perform or assist in the performance of
17 therapeutic procedures delegated by the supervising
18 physician where the procedures to be performed are
19 consistent with the physician's specialty or usual and
20 customary practice, and with the patient's health and
21 condition.

22 "(d) Recognize and evaluate situations which call
23 for immediate attention of the physician and institute,
24 when necessary, treatment procedures essential for the
25 life of the patient.

26 "(e) Instruct and counsel patients regarding matters
27 pertaining to their physical and mental health, such as
28 diets, social habits, family planning, normal growth
29 and development, aging, and understanding of and long
30 term management of their disease.

31 "(f) Assist the physician in the practice setting
32 (including health facilities as defined in Section 1250
33 of the Health and Safety Code) by arranging admissions,
34 by taking complete histories and performing physical
35 examinations, by completing forms and charts pertinent
36 to the patient's medical record, by providing services
37 to patients requiring continuing care, including
38 patients at home. This assistance also includes the
39 review of treatment and therapy plans, the ordering of
40 diagnostic laboratory tests and procedures and
41 diagnostic radiological services which are usual and
42 customary to the supervising physician's practice, the
43 ordering of therapeutic diets, physical therapy
44 treatments, occupational therapy treatments and

1 respiratory care services, and by evaluating patients
2 and performing the procedures and tasks specified in
3 subsections (a), (b), and (c) above and acting as first
or second assistant in surgery under the supervision of
an approved supervising physician.

4 "(g) Facilitate the physician's referral of patients
5 to the appropriate health facilities, agencies, and
resources of the community.

6 "(h) Administer medication to a patient, or transmit
7 orally, or in writing on a patient's record, a
prescription from his or her supervising physician to a
8 person who may lawfully furnish such medication or
medical device. The supervising physician's
9 prescription, transmitted by the physician assistant,
for any patient cared for by the physician assistant,
10 shall be based either on a patient-specific order by
the supervising physician or on written protocol which
11 specifies all criteria for the use of a specific drug
or device and any contraindications for the selection.
12 A physician assistant shall not provide a drug or
transmit a prescription for a drug other than that drug
13 specified in the protocol, without a patient-specific
order from a supervising physician. At the direction
14 and under the supervision of a physician supervisor, a
physician assistant may hand to a patient of the
15 supervising physician a properly labeled prescription
drug prepackaged by a physician, a manufacturer, as
16 defined in the Pharmacy Law, or a pharmacist. In any
case, the medical record of any patient cared for by
17 the physician assistant for whom the physician's
prescription has been transmitted or carried out shall
18 be reviewed and countersigned and dated by a
supervising physician within seven (7) days. A
19 physician assistant may not administer, provide or
transmit a prescription for controlled substances in
20 Schedules II through V inclusive without
patient-specific authority by a supervising physician."

21 14. Title 16, California Code of Regulations section
22 1399.542 provides that:

23 "The delegation of procedures to a physician assistant
24 under Section 1399.541, subsections (b) and (c) shall
not relieve the supervising physician of primary
25 continued responsibility for the welfare of the
patient."

26 15. Title 16, California Code of Regulations section
27 1399.545 that:

1 "(a) A supervising physician shall be available
2 in person or by electronic communication at all times
when the physician assistant is caring for patients.

3 "(b) A supervising physician shall delegate to
4 a physician assistant only those tasks and procedures
5 consistent with the supervising physician's specialty
or usual and customary practice and with the patient's
health and condition.

6 "(c) A supervising physician shall observe or
7 review evidence of the physician assistant's
8 performance of all tasks and procedures to be delegated
to the physician assistant until assured of competency.

9 "(d) The physician assistant and the supervising
10 physician shall establish in writing transport and
11 back-up procedures for the immediate care of patients
who are in need of emergency care beyond the physician
assistant's scope of practice for such times when a
supervising physician is not on the premises.

12 "(e) A physician assistant and his or her supervising
13 physician shall establish in writing guidelines for the
14 adequate supervision of the physician assistant which
shall include one or more of the following mechanisms:

15 "(1) Examination of the patient by a supervising
16 physician the same day as care is given by the
physician assistant;

17 "(2) Countersignature and dating of all medical
18 records written by the physician assistant within
thirty (30) days that the care was given by the
physician assistant;

19 "(3) The supervising physician may adopt protocols
20 to govern the performance of a physician assistant for
some or all tasks. The minimum content for a protocol
21 as referred to in this section shall include the
presence or absence of symptoms, signs, and other data
22 necessary to establish a diagnosis or assessment any
appropriate tests or studies to order, drugs to
23 recommend to the patient, and education to be given the
patient. For protocols governing procedures, the
24 protocol shall state the information to be given the
patient, the nature of the consent to be obtained from
25 the patient, the preparation and technique of the
procedure, and the follow-up care. Protocols shall be
26 developed by the physician or adopted from texts or
other sources. Protocols shall be signed and dated by
the supervising physician and the physician assistant.
27 The supervising physician shall review, countersign,
and date a minimum of 10% sample of medical records of

1 patients treated by the physician assistant functioning
2 under these protocols within thirty (30) days. The
3 physician shall select for review those cases which by
4 diagnosis, problem, treatment or procedure represent,
5 in his or her judgment, the most significant risk to
6 the patient;

7 "(4) Other mechanisms approved in advance by
8 the committee."

9 "(f) In the case of a physician assistant operating
10 under interim approval, the supervising physician shall
11 review, sign and date the medical record of all
12 patients cared for by that physician assistant within
13 seven (7) days if the physician was on the premises
14 when the physician assistant diagnosed or treated the
15 patient. If the physician was not on the premises at
16 that time, he or she shall review, sign and date such
17 medical records within 48 hours of the time the medical
18 services were provided.

19 "(g) Except in a life-threatening situation, a
20 physician assistant shall perform surgery requiring
21 other than a local anesthesia only under the direct and
22 immediate supervision of an approved physician.

23 "(h) The supervising physician has continuing
24 responsibility to follow the progress of the patient
25 and to make sure that the physician assistant does not
26 function autonomously. The supervising physician shall
27 be responsible for all medical services provided by a
28 physician assistant under his or her supervision."

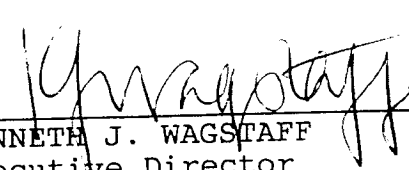
29 16. From on or about October 1988 to on or about May
30 1989 respondent employed Alfred Dennis Berry as a physician's
31 assistant. During said period of employment respondent did not
32 provide Mr. Berry with written protocols, instructions,
33 delegation or guidelines. During said period of employment, Mr.
34 Berry prescribed medication without pre-authorization from Dr.
35 Winstead.

36 17. The acts alleged in paragraph 16 constitute a
37 violation of Business and Professions Code sections 2234(a),
38 3527(c), 2238, 2242(a), 4211, 4036, 3502, Health and Safety Code

1 section 11150 and Title 16 California Code of Regulations
2 sections 1399.522 and subsection (c), 1399.540, 1399.541,
3 1399.542, 1399.545 thereby providing grounds for disciplinary
4 action under Business and Professions Code sections 2227, 2228,
5 2234, 3527(d) and Title 16 California Code of Regulations section
6 1399.522 in that respondent employed Alfred Dennis Berry as a
7 physician's assistant without providing Mr. Berry with written
8 protocols, instructions, delegations or guidelines. During said
9 period of employment Mr. Berry issued prescriptions without
10 pre-authorization by Dr. Winstead.

11 WHEREFORE, complainant prays that a hearing be held and
12 respondent's physician and surgeon license and physician
13 assistant supervisor license be suspended or revoked or such
14 other action be taken as may be deemed proper.

15
16 DATED: April 9, 1990

17
18 
19 KENNETH J. WAGSTAFF
20 Executive Director
21 Medical Board of California
22 Division of Medical Quality
23 State of California

24 Complainant

25 03573110
26 SF89AD1411
27

IN THE SUPERIOR COURT
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

Defendant WINGSTAD, RUTHIE Case No. 56 51567A Date 3-10-92
ORDER GRANTING PROBATION AND TERMS OF PROBATION

The above-named defendant having been convicted of a violation of Section(s) PC 457.1

IT IS HEREBY ORDERED: (applicable items checked)

- ☐ Judgment of _____ years _____ months State Prison imposed; execution of sentence suspended.
- ☐ On condition defendant enroll in and successfully complete _____
- ☐ As to count(s): _____
- ☒ Imposition of sentence suspended.
- ☐ Probation granted for 5 years.
 - ☐ Supervised ☒ Unsupervised
- ☐ Probation as granted on _____ is ☐ reinstated
 - ☐ extended for _____ years/months ☐ modified to unsupervised probation ☐ modified as follows (original terms remain in full force) ☐ terminated
- ☐ The offense is deemed a misdemeanor pursuant to Section 17 of the Penal Code.

STANDARD CONDITIONS:

- ☒ Obey all laws and court orders ☐ including immigration and residency laws
- ☐ Do not enter the United States illegally.
- ☐ Report to the Probation Officer as directed.
- ☐ Obey the reasonable directions of the Probation Officer.
- ☐ Seek and maintain employment as directed by the Probation Officer.
- ☐ Appear before the Probation Officer to determine ability to pay for the cost of probation investigation and supervision, including substance abuse testing.
- ☐ Do not change place of residence or leave State of California without written permission of Probation Officer.
- ☒ Serve 120 days in the San Joaquin County Jail with credit for 5 days served
- ☒ commencing on 4-29-92 1:00pm
- ☐ concurrent with _____
- ☐ consecutive to _____
- ☒ Court recommends ☐ Work Furlough ☒ Alternative Work Program

SPECIAL CONDITIONS:

- ☐ Submit to the following kinds of search and seizure, at any time of the day or night, by any peace officer (or probation officer), without the requirement of probable cause or defendant's consent or a search warrant, and without notice of his/her person, place of residence or temporary abode, vehicle registered to him/her or which he/she is driving at the time, and his/her personal effects. ☐ This condition is limited to
 - ☐ narcotics, drugs, or other contraband
 - ☐ stolen property ☐ weapons

- ☐ Do not illegally use or possess any drug, narcotic, or marijuana and not associate with known users or traffickers.
- ☐ Do not visit or travel into the following areas:
 - The area of arrest;
 - 00 through 700 blocks of East Sonora or East Church Streets;
 - 300 block of South El Dorado Street;
 - Gleason Park, Independence Park, McKinley Park, Reverend Williams Park, Weber Park, Liberty Park, or any immediate bounding streets;

- ☐ Submit to drug/alcohol detection tests as directed by the Probation Officer.
- ☐ Participate in and successfully complete any program of counseling or treatment as directed by the Probation Officer.
- ☐ Execute information releases as directed.
- ☐ Register as per ☐ 290 PC ☐ 11590 H&S ☐ 457.1 PC
- ☒ Make restitution in ☒ the amount of \$ 32,281
 - ☐ An amount to be established by the Court after recommendation by the Probation Officer within _____ days ☒ payable to the COUNTY OF CALIF. Probation Officer, manner of payment may be determined by the Probation Officer. ALTERNATE PAYMENT OFFICE.
 - ☐ An amount to be established by the Court after recommendation by the District Attorney within _____ days ☐ payable to the District Attorney, manner of payment may be determined by the District Attorney.
 - ☐ Payable to the Human Services Agency, manner of payment may be determined by the Human Services Agency.
 - ☐ Report to Human Services Agency within/by _____

- ☐ Do not own, possess, or have control of any firearms or deadly weapons.
- ☐ Do not contact/annoy/harass _____

- ☐ As to count(s): _____, Defendant to serve _____ days in the San Joaquin County Jail, with credit for _____ days.

- ☐ Abstain from the consumption of alcohol.
- ☐ Do not frequent places where alcohol is the chief item of sale.
- ☐ Do not operate a motor vehicle ☐ after consuming alcohol ☐ without a valid drivers license in possession ☐ without insurance.
- ☐ Submit to blood, breath or urine test if arrested for 23152 or 23153 of the Vehicle Code.
- ☐ Enroll in and successfully complete an alcohol or drug education program as directed by the Probation Officer.
- ☐ Driving privilege is ☐ revoked for _____ years ☐ restricted for _____ years
- ☐ Pay a fine of \$ _____ ☐ Pay a restitution fine pursuant to 13967 GC in the amount of \$ _____
- ☐ Payable to the Probation Officer, manner to be determined by the Probation Officer.
- ☐ Payable to the Superior Court Clerk's Office, 222 E. Weber Ave., Room 303, Stockton, California
- ☐ Fine must be paid ☐ forthwith ☐ payable at the rate of _____ per month.
- ☐ within/by _____
- ☐ Complete _____ of community service as directed by the Probation Officer.
- ☐ Do not reside in the family home, be in a caretaking situation, or be in the presence of any male/female minor without a responsible adult present, as approved by the Probation Officer.
- ☐ Do not administer corporal punishment to minor children.
- ☐ Cooperate with the staff of Child Protective Services of the Human Services Agency as to level of care, supervision, and discipline provided to any child in his/her custody.
- ☐ Make any child in his/her custody accessible by any peace officer, social worker, or probation officer upon request.
- ☐ Do not maintain a checking account in any banking facility or possess any blank checks.
- ☐ Provide financial information requested by the Probation Officer.
- ☒ Other LOUPEY W/ALICE RAY RELATIONSHIP
ILLUSTRATED THAT I AM IN THE
IN PROGRESS
- ☒ RELATIONSHIP TO MEN-CAL - PROBATION
- ☐ Defendant is ordered to report to the Probation Officer on _____
- ☐ within 24 hours of release from custody.

- ☐ Defendant's Counsel
- ☐ District Attorney
- ☐ Defendant
- ☐ Probation Office

Name: WINSTEAD, ARTHUR

Case No. SC 51567A

YOU ARE HEREBY ADVISED THAT A FAILURE TO COMPLY WITH ANY OF THE FOREGOING TERMS OF PROBATION COULD RESULT IN:

1. A revocation of probation, resulting in confinement in the County Jail for additional periods, or the imposition of any sentence which could have been imposed before probation was granted;
2. An extension of the period of probation;
3. An amendment or addition to the terms of probation.

Done in open Court on this date 3-13-72

Judge of the Superior Court

I have received a copy of this Order Granting Probation. I understand and agree to the terms of probation.

Date 3-13-72

Defendant's Signature

Please Print:

NAME: Last First MI

ALSO KNOWN AS: Last First MI

MAILING: Street City State Zip

RESIDENCE: Street City State Zip

PHONE NO: _____

DRIVER LICENSE NO: _____

SOCIAL SECURITY NO: _____

Upon satisfactory completion of the terms of probation, you may apply through the Probation Department to have your conviction set aside, pursuant to Section 1203.4 of the Penal Code.

INTERPRETER STATEMENT

Under penalty of perjury, I declare that I truly translated this form and all the statements herein to the defendant in the _____ language.

Date _____

Official Court Interpreter

J2411H1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
SAN JOAQUIN CJIS
ORGANIZATION: SC

03/13/
11:25

CASE NO. SC050567 A DATE: 03/13/92 TIME: 09:30 AM DEPT.: 11

PEOPLE VS. WINSTEAD, ARTHUR III

JUDGE: STEPHEN G DEMETRAS, JUDGE CLERK: MARY ANN NAYER
REPORTER: LYNDI HATCH BAILIFF: ED WARD

NATURE OF PROCEEDINGS: CHANGE OF PLEA

CHARGES: 12. PC 487.1

DEPUTY ATTORNEY GENERAL GARY BINKARD APPEARED.

ATTORNEY: GEORGE WALKER.

PEOPLE REPRESENTED AS ABOVE AND DEFENDANT IS PRESENT
WITH COUNSEL.

THE COURT INFORMS DEFENDANT OF LEGAL AND CONSTITUTIONAL
RIGHTS.

POSSIBLE MAXIMUM CONFINEMENT 3 YEARS.

DEFENDANT IS ADVISED OF PAROLE CONSEQUENCES.

THE COURT FINDS DEFENDANT UNDERSTANDS HIS CONSTITUTIONAL
RIGHTS AND MAKES AN INTELLIGENT WAIVER THEREOF.

THE COURT FINDS THAT THE PLEA IS FREE AND VOLUNTARY.

COURT FINDS A FACTUAL BASIS FOR THE PLEA BASED ON PRELIM
TRANSCRIPT.

DEFENDANT REQUESTS AND IS GRANTED PERMISSION TO WITHDRAW
PLEA OF NOT GUILTY AND ENTERS A PLEA OF:

DEFENDANT ENTERED A PLEA OF GUILTY TO COUNT 12.

ENHANCEMENT NUMBER 1 PURSUANT TO PC 12022.6(A) AS
ALLEGED IN COUNT 12 IS STRICKEN.

COUNT 1 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 2 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

CASE NO. SC050567 A DATE: 03/13/92 TIME: 09:30 AM DEPT.: 11
PEOPLE VS. WINSTEAD, ARTHUR III

COUNT 3 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 4 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 5 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 6 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 7 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 8 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 9 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 10 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 11 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 13 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 14 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

COUNT 15 DISMISSED ON MOTION OF THE DISTRICT ATTORNEY.
REASON FOR DISMISSAL OR DISCHARGE: INTEREST OF JUSTICE.

DEFENDANT STIPULATED ALL DISMISSED CHARGES MAY BE USED
IN SENTENCING (HARVEY WAIVER).

DEFENDANT WAIVES PROBATION REFERRAL AND REQUESTS
IMMEDIATE SENTENCE.

DEFENDANT STATES THERE IS NO LEGAL CAUSE WHY JUDGMENT
SHOULD NOT BE PRONOUNCED.

IMPOSITION OF SENTENCE IS SUSPENDED FOR THE PURPOSE OF
GRANTING PROBATION.

SUMMARY PROBATION IS GRANTED TO DEFENDANT FOR A PERIOD
OF 5 YEAR(S) UNDER THE FOLLOWING TERMS AND CONDITIONS.

CASE NO. SC050567 A
PEOPLE VS. WINSTEAD, ARTHUR III

DATE: 03/13/92

TIME: 09:30 AM

DEPT.: 11

DEFENDANT TO SERVE 120 DAY(S) IN CUSTODY IN COUNTY JAIL.

NO CREDIT FOR TIME SERVED.

DEFENDANT TO REPORT TO COUNTY JAIL AS A FURTHER
CONDITION OF PROBATION. DEFENDANT TO REPORT TO COUNTY
JAIL ON 04/29/1992 AT 1:00 P.M..

COURT RECOMMENDS SHERIFF'S ALTERNATIVE WORK PROGRAM.

DEFENDANT TO MAKE RESTITUTION IN THE AMOUNT OF \$32,280.
PAYABLE TO STATE OF CALIFORNIA, MANNER OF PAYMENT MAY BE
DETERMINED BY THE ATTORNEY GENERAL'S OFFICE.

VACATE. THAT WAS SET ON 03/16/1992 AT 8:15 A.M..

CONDITIONS ANNOUNCED IN COURT. SEE SIGNED ORDER.

ALL SENTENCE ELEMENTS FOR THIS PROCEEDING ENTERED.

CC: --- JAIL.

CUSTODY STATUS:
DEFENDANT IS RELEASED ON PROBATION.

1 DANIEL E. LUNGREN, Attorney General
of the State of California

2 GARY A. BINKERD, Deputy Attorney General
Bureau of Medi-Cal Fraud

3 State Bar #060587
1515 "K" Street, Suite 400 South
4 Sacramento, California 95814
Telephone: (916) 322-2899

5 Attorneys for Plaintiff

6 SAN JOAQUIN COUNTY SUPERIOR COURT

7 STATE OF CALIFORNIA

8
9 PEOPLE OF THE STATE OF CALIFORNIA

10 Plaintiff,

11 v.

12 ARTHUR WINSTEAD III, M.D.

13 Defendant.

FILED

JUL -3 AM 9:46

JEANNE MILLSAPS, CLERK

Laura Seefloth
CLERK

) Superior Court
) No. 50567

) Attorney General
) No. 88MC0103-SJQ

) I N F O R M A T I O N
)

14
15 The People of the State of California, by and through the
16 Attorney General, hereby accuse the above-mentioned defendant as
17 follows:

18
19 COUNT 1

20 On or about and between August 1, 1987 and August 31, 1989,
21 defendant, ARTHUR WINSTEAD III, did willfully and unlawfully
22 conspire together with SACHA SAM and with another person and
23 persons whose identity is unknown to commit the felony crimes of
24 grand theft in violation of Penal Code section 487.1, insurance
25 fraud in violation of Insurance Code section 1871.1, and
26 submitting fraudulent Medi-Cal claims in violation of Welfare and
27 Institutions Code section 14107, all in violation of Penal Code

1 section 182 (1), a felony; that pursuant to and for the purpose
2 of carrying out the objects and purposes of the aforesaid
3 conspiracy, the defendants committed the following overt acts:
4

5 OVERT ACT NO. 1

6 On August 10, 1987, defendant ARTHUR WINSTEAD III
7 submitted a Medi-Cal Provider Number Request to the
8 Department of Health Services for the Apsara Asian
9 Family Medical Clinic in which he concealed the fact
10 that the services to be rendered would be provided by a
11 physician's assistant.
12

13 OVERT ACT NO. 2

14 Between August 1, 1987 and August 31, 1989,
15 defendant and co-conspirator SACHA SAM caused to be
16 prepared for submission, reviewed, approved, and caused
17 to be sent claims to the State Medi-Cal Program which
18 omitted notification that the services for which
19 reimbursement was sought was provided by a physician's
20 assistant.
21

22 OVERT ACT NO. 3

23 Between August 1, 1987 and August 31, 1989,
24 defendant and co-conspirator SACHA SAM prepared for
25 submission, reviewed, approved, and submitted false and
26 fraudulent claims for reimbursement to private
27 insurance carriers.

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OVERT ACT NO. 4

Between August 1, 1987 and August 2, 1989,
defendant and co-conspirator SACHA SAM employed,
permitted, and caused physician assistants to treat,
order medication for, and order physical therapy for
patients at medical clinics in San Joaquin and Santa
Clara Counties without necessary written guidelines,
without necessary supervision, and without acceptable
protocols.

OVERT ACT NO. 5

Between August 1, 1987 and August 2, 1989,
defendant aided and abetted the unlawful practice of
medicine by permitting and causing the medical
treatment and physical therapy of patients by
unlicensed and unregistered employees.

OVERT ACT NO. 6

Between on or about February 22, 1988, and June
26, 1988, defendant aided and abetted the unlawful
practice of medicine by permitting and causing medical
prescriptions to be ordered by a physician's assistant
without properly countersigning them as required by
law.

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OVERT ACT NO. 7

Between August 1, 1987 and August 2, 1989, co-conspirator SACHA SAM directed a clinic employee, Phillip Yoshimura, to perform medically unnecessary diagnostic tests on patients in order to submit false insurance claims for such tests.

OVERT ACT NO. 8

Between August 1, 1987 and August 2, 1989, co-conspirator SACHA SAM directed a clinic employee, Phillip Yoshimura, to falsify patient records by logging treatments that were not in fact provided.

OVERT ACT NO. 9

Between August 1, 1987 and August 2, 1989, defendant, and co-conspirator SACHA SAM, unlawfully paid a bounty and a fee to persons known and unknown for delivering Medi-Cal patients to the San Joaquin County clinic.

OVERT ACT NO. 10

Between August 1, 1987 and August 2, 1989, defendant, and co-conspirator SACHA SAM received \$29,375 for fraudulent claims submitted to private insurance carriers.

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1 OVERT ACT NO. 11

2 Between August 1, 1987 and August 2, 1989,
3 defendant, and co-conspirator SACHA SAM received
4 \$279,707.80 for deniable claims submitted to the State
5 Medi-Cal Program.
6

7 It is further alleged that in the commission of the above
8 offense defendant ARTHUR WINSTEAD III, wwith the intent to do so,
9 took funds and property of a value exceeding \$100,000, the
10 property of the State of Califirnia, within the meaning of Penal
11 Code sections 1203.45(a) and 12022.6 (b).
12

13 COUNT 2

14 That on or between March 31, 1988 and September 30, 1989,
15 defendant ARTHUR WINSTEAD III did knowingly and unlawfully
16 prepare, make and subscribe a writing with the intent to present
17 and allow to be presented such writing in support of a false and
18 fraudulent claim for the payment of services rendered to M█████
19 T█████, T█████ C█████ and R█████ T█████ in the amount of \$3400 for
20 loss under a contract of insurance against loss issued by
21 Allstate Insurance, in violation of Insurance Code section 1871.1
22 (a)(5), a felony.
23

24 COUNT 3

25 That on or between September 20, 1988 and June 16, 1989,
26 defendant ARTHUR WINSTEAD III did knowingly and unlawfully
27 prepare, make, and subscribe a writing with the intent to present

1 and allow to be presented such writing in support of a false and
2 fraudulent claim for the payment of services rendered to P [REDACTED]
3 P [REDACTED], A [REDACTED] P [REDACTED], and T [REDACTED] H [REDACTED] in the amount of \$4125 for loss
4 under a contract of insurance against loss issued by Allstate
5 Insurance, in violation of Insurance Code section 1871.1 (a)(5),
6 a felony.

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COUNT 4

9 That on or between May 26, 1988 and May 22, 1989, defendant
10 ARTHUR WINSTEAD III did knowingly and unlawfully prepare, make,
11 and subscribe a writing with the intent to present and allow to
12 be presented such writing in support of a false and fraudulent
13 claim for the payment of services rendered to Y [REDACTED], J [REDACTED]
14 K [REDACTED] L [REDACTED] S [REDACTED], and K [REDACTED] P [REDACTED], in the amount of \$3655 for loss
15 under a contract of insurance against loss issued by California
16 State Automobile Association, in violation of Insurance Code
17 section 1871.1 (a)(5), a felony.

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COUNT 5

20 That on or between October 2, 1987 and June 16, 1988,
21 defendant ARTHUR WINSTEAD III did knowingly and unlawfully
22 prepare, make, and subscribe a writing with the intent to present
23 and allow to be presented such writing in support of a false and
24 fraudulent claim for the payment of services rendered to N [REDACTED]
25 O [REDACTED], V [REDACTED] O [REDACTED], L [REDACTED] O [REDACTED], I [REDACTED] O [REDACTED] and P [REDACTED] C [REDACTED] in the amount of
26 \$7415 for loss under a contract of insurance against loss issued
27 by California State Automobile Association, in violation of

1 Insurance Code section 1871.1 (a)(5), a felony.

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COUNT 6

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COUNT 7

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COUNT 8

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That on or between May 3, 1988 and December 14, 1988, defendant ARTHUR WINSTEAD III did knowingly and unlawfully prepare, make, and subscribe a writing with the intent to present and allow to be presented such writing in support of a false and fraudulent claim for the payment of services rendered to H [REDACTED] C [REDACTED] in the amount of \$1815 for loss under a contract of insurance against loss issued by California State Automobile Association, in violation of Insurance Code section 1871.1 (a)(5), a felony.

That on or between August 5, 1987 and December 4, 1987, defendant ARTHUR WINSTEAD III did knowingly and unlawfully prepare, make, and subscribe to a writing with the intent to present and allow to be presented such writing in support of a false and fraudulent claim for the payment of services rendered to C [REDACTED] H [REDACTED], S [REDACTED] S [REDACTED], S [REDACTED] S [REDACTED], and S [REDACTED] S [REDACTED] in the amount of \$6480 for loss under a contract of insurance against loss issued by California State Automobile Association, in violation of Insurance Code section 1871.1 (a)(5), a felony.

gp
That on or between March 18, 1988 and November 1, 1988, defendant ARTHUR WINSTEAD III did knowingly and unlawfully

1 prepare, make, and subscribe to a writing with the intent to
2 present and allow to be presented such writing in support of a
3 false and fraudulent claim for the payment of services rendered
4 to E L, S B, and C C in the amount of \$3780
5 for loss under a contract of insurance against loss issued by
6 State Farm Insurance, in violation of Insurance Code section
7 1871.1 (a)(5), a felony.

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COUNT 9

10 That on or between February 17, 1988 and October 19, 1988,
11 defendant ARTHUR WINSTEAD III did knowingly and unlawfully
12 prepare, make, and subscribe to a writing with the intent to
13 present and allow to be presented such writing in support of a
14 false and fraudulent claim for the payment of services rendered
15 to T P in the amount of \$2225 for loss under a contract
16 of insurance for loss issued by State Farm Insurance, in
17 violation of Insurance Code section 1871.1 (a)(5), a felony.

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COUNT 10

20 That on or between July 30, 1988 and May 1, 1989, defendant
21 ARTHUR WINSTEAD III did knowingly and unlawfully prepare, make,
22 and subscribe to a writing with the intent to present and allow
23 to be presented such writing in support of a false and fraudulent
24 claim for the payment of services rendered to N I in the
25 amount of \$1860 for loss under a contract of insurance against
26 loss issued by State Farm Insurance, in violation of Insurance
27 Code section 1871.1 (a)(5), a felony.

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COUNT 11

That on or between October 30, 1988 and April 14, 1989, defendant ARTHUR WINSTEAD III did knowingly and unlawfully prepare, make, and subscribe to a writing with the intent to present and allow to be presented such writing in support of a false and fraudulent claim for the payment of services rendered to K L L in the amount of \$1380 for loss under a contract of insurance against loss issued by State Farm Insurance, in violation of Insurance Code section 1871.1 (a)(5), a felony.

COUNT 12

That on or between December 4, 1987 and September 1, 1989, defendant ARTHUR WINSTEAD III did wilfully and unlawfully take money and personal property of a value exceeding \$400, to wit, \$29,375, the property of State Farm Insurance, Allstate Insurance, and California State Automobile Association, in violation of Penal Code section 487.1, a felony.

It is further alleged that in the commission of the above offense defendant ARTHUR WINSTEAD III, with the intent to do so, took funds and property of a value exceeding \$25,000, the property of State Farm Insurance, Allstate Insurance, and California State Automobile Association, within the meaning of Penal Code section 12022.6(a).

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COUNT 13

That on or between August 1, 1987 and September 1, 1989, defendant ARTHUR WINSTEAD III did willfully and unlawfully take money and personal property of a value exceeding \$400, to wit, \$279,707, the property of the State of California, in violation of Penal Code section 487.1, a felony.

It is further alleged that in the commission of the above offense defendant ARTHUR WINSTEAD III, with the intent to do so, took funds and property of value exceeding \$100,000, the property of the State of California, within the meaning of Penal Code sections 1203.045(a) and 12022.6(b).

COUNT 14

That on or between August 1, 1987 and September 1, 1989, defendant ARTHUR WINSTEAD III did willfully and unlawfully and with the intent to defraud, present and cause to be presented to the State of California through its fiscal intermediary Electronic Data Systems (EDS) for allowance and payment false and fraudulent claims for furnishing services and merchandise, and knowingly submitted false information for the purpose of obtaining more compensation than that to which defendant was legally entitled, in violation of Welfare and Institutions Code section 14107, a felony.

It is further alleged that in the commission of the above offense defendant ARTHUR WINSTEAD III, with the intent to do so,

1 took funds and property of a value exceeding \$100,000, the
2 property of the State of California, within the meaning of Penal
3 Code sections 1203.045(a) and 12022.6(b).

4
5 COUNT 15

6 On or about and Between August 1, 1987 and September 1,
7 1989, defendant ARTHUR WINSTEAD III unlawfully offered and paid
8 and caused to be offered and paid remuneration to persons in
9 return for referring Medi-Cal beneficiaries to defendant so that
10 defendant could furnish and arrange to furnish services for which
11 payment could be made under the Medi-Cal Act, in violation of
12 Welfare and Institutions Code section 14107.2, subdivision (b)
13 (1), a felony.

14
15 Executed in Sacramento, California, on this 2nd day of July,
16 1991.

17
18
19 GARY A. BINKERD
20 Deputy Attorney General
21 Bureau of Medi-Cal Fraud
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